

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VANCE S. ELLIOT,

No. C-14-4026 EMC

Plaintiff,

v.

**ORDER GRANTING PLAINTIFF'S
APPLICATION TO PROCEED *IN
FORMA PAUPERIS*; AND ADOPTING
REPORT AND RECOMMENDATION**

DANIELLE ROSELIN,

Defendant.

(Docket Nos. 2, 6)

Currently pending before the Court is Plaintiff Vance S. Elliot's application to proceed *in forma pauperis* and Judge Westmore's Report and Recommendation ("R&R"), which recommends that Mr. Elliot's claims be dismissed without leave to amend. Docket No. 6. On September 23, 2014, Mr. Elliot filed a declaration which this Court construes as an objection to the R&R. Docket No. 8.

Having considered the papers submitted, the Report and Recommendation, and all other evidence of record, the Court hereby **GRANTS** the application to proceed *in forma pauperis*, but **DISMISSES** the Plaintiff's claims without leave to amend. This Court agrees with Judge Westmore that Mr. Elliot's complaint of slander against an employee of the Department of Veteran Affairs,

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1 premised on that employee's description of Mr. Elliot as having a history of schizophrenia, is not
2 legally cognizable because the United States has not waived its sovereign immunity with respect to
3 claims for slander. *See* 28 U.S.C. 2680(h).

4 This order disposes of Docket Nos. 2 and 6.

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6 IT IS SO ORDERED.

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8 Dated: October 10, 2014

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11 EDWARD M. CHEN
12 United States District Judge
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